

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.457 of 2016

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Jagdish Pandey son of Late Kamata Pandey, resident of Village- Pakadi (Deoraj),
P.O.- Bargo, P.S.- Ramnagar, District- West Champaran.

.... Appellant/s

Versus

Anwari Begam wife of Equbal Hussain resident of Village- Pakadi (Deoraj) P.O.-
Barago, P.S.- Ramnagar, District- West Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 07-03-2017

Heard learned counsel appearing on behalf of the
petitioner.

Earlier the notice was issued to the sole respondent in the
admission matter. From the office note, it transpires that the notice
upon the sole respondent has been validly served. Nobody, however,
is present on behalf of the sole respondent.

By the impugned order, the learned court below has
refused to recall the order by which the defendant-petitioner has been
debarred from filing the written statement and rejected the petition for
recall of the order dated 06.04.2016 in that regard.

After considering the submissions and perusal of the
materials on record, it appears that the suit has been filed in the year



2015 and according to learned counsel for the petitioner the written statement has already been filed by the petitioner in the suit. Considering the facts and circumstances of the case, this Court is inclined to allow the present application subject to the payment of cost of Rs. 2000/- to the plaintiff within a period of four weeks from today.

The present application is accordingly, allowed. The impugned order is set aside and the prayer of the defendant-petitioner as made in the petition dated 06.04.2016 is allowed. The written statement which has been filed by the present petitioner is accepted. This order will be subject to the payment of the cost to the plaintiff to be deposited by the defendant-petitioner in the learned court below within the period of four weeks and the same shall be withdrawn by the plaintiff after seeking permission from the learned court below in accordance with law. The learned court below is directed to proceed with the suit expeditiously in accordance with law.

(V. Nath, J)

Devendra/-

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